



**Liquor and Tobacco Advisory Board Minutes
Wednesday, January 20, 2021
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell
Tom Fabiano

Absent:

Staff:

Lafakeria Vaughn – Assistant City Attorney
Brooke Benoit- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Samantha Heim – Videographer
Jeremy Carter - Traffic Engineer

Others:

Alderman Frank Beach
Kylie Bunke- Court Stenographer
Applicants and Interested Parties

Dan Roszkowski, Chair of the LTAB, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on January 8, 2021. Since this is a public hearing with an unknown number of attendees, which would be more than 10 people, an in-person meeting at City Hall is not feasible at this time.

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the Covid-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: Written public comments being submitted by 5:00 pm, on January 20, 2021 to Attorney Vaughn's email, or the City's payment drop box located at City Hall or coming to City hall to listen to the meeting and present any comments in Council Chambers. However, as of Friday, November 20, 2020, City Hall was closed to the public so all comments had to be submitted in writing.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, January 25, 2021 at 5:30 PM in City Council

Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, February 1, 2021. If the item is laid over at the ZBA meeting, the next meeting is Wednesday, February 17, 2021. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:46 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the December 15, 2020 meeting minutes. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge
The sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District
Laid over from September, October, November and December

Mustafa Abdall was present on behalf of the Applicant, Jamal Abedrabbo who was unable to attend due to a family emergency. Mr. Abdall requested to layover the application until next month.

Dan Roszkowski asked Mr. Abdall why this item has been laid over since September. Attorney Lafakeria Vaughn responded the last two months were laid over at staff's request.

Jennifer Smith asked if Staff is recommending denial for this application because there is a lot of missing information. Ms. Smith asked if the applicant has provided any of the missing material needed to move the application forward. Scott Capovilla stated they have not provided additional material and Staff was going to maintain its recommendation for denial on this application. Mr. Capovilla stated the legal department is also working on an ordinance that would regulate hookah lounges. Attorney Vaughn said the proposed ordinance would be presented in the next couple of weeks but that it would not have any effect on this application moving forward.

Mr. Abdall stated they will work with staff to provide the missing information.

A **MOTION** was made by Craig Sockwell to **LAYOVER** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

20-LTAB-094

Applicant
Ward 5

4628 South Main Street

Love's Travel Stops & Country Stores, Inc. dba Love's Travel Stop #775
The sale of packaged beer and wine in conjunction with a gasoline station and convenience store with video gaming terminals and **the sale of tobacco products** conjunction with a gasoline station and convenience store in a C-3, General Commercial Zoning District
Laid over from December

The Local General Manager for Love's Travel Stops, Thomas Wallace, was present. Mr. Wallace stated they are looking to obtain a liquor and tobacco license for the property located at 4628 South Main Street. The subject property is located on the southeast side of Bypass 20 and South Main Street.

Attorney Vaughn asked the applicant if he had an opportunity to review the staff recommendation and the conditions of approval. Mr. Wallace responded he did not review anything and the report was probably sent to corporate. Attorney Vaughn read the eight (8) conditions from the staff recommendation but stated staff would like to recommend a ninth condition. Condition number 9 would read "The proposed use and facility shall be limited to five (5) video gaming terminals".

Mr. Wallace stated he agrees to the nine (9) conditions.

Kim Johnsen asked the applicant if he was requesting a full liquor license because the recommendation only says packaged beer and wine. Ms. Johnsen stated she wants to make sure Mr. Wallace is aware that it's not for a full packaged liquor license. Mr. Wallace responded that is correct, the request is only for packaged beer and wine.

Staff Recommendation is for Approval with nine (9) conditions. No Objectors or Interested parties were present. One letter was read into the record.

Alderman Frank Beach asked Scott Capovilla for clarification on condition number 9 and the number of video gaming terminals. Mr. Capovilla responded that the state law does allow for large truck stops to have up to 10 video gaming terminals, but Staff has requested a limit of 5 due to the City's cap and the host agreement.

Attorney Vaughn stated she had an objector via email. The full letter will be attached to the Code and Regulation committee agenda packet. The objector, Faith Center Church, stated the following: "We, the members and employees of Faith Center, formally object to the granting of alcohol license. It will only lead to annoyance, disturbance and inconvenience."

Mr. Wallace responded that they are looking to serve their customers and to be able to compete with their competition.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of packaged beer and wine in conjunction with a gasoline station and convenience store with video gaming terminals and the sale of tobacco products conjunction with a gasoline station and convenience store in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 20% of window area.
3. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
4. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
5. The windows shall not be covered with bars or other devices that block the windows.
6. Any pending general ordinance case(s) must be resolved prior to issuance of the licenses.
7. All outstanding general ordinance fines must be paid prior to issuance of the licenses.
8. All conditions must be met prior to issuance of the liquor and tobacco licenses.
9. The proposed use and facility shall be limited to five (5) video gaming terminals.

With no further business to come before the Board, the meeting was adjourned at 7:12 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals